

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

SHEMEDREA JOHNSON, RENODA	)	
THOMAS, and TAMARA WARD,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 2:09cv636-WHA
	)	(wo)
ALABAMA COMMUNITY COLLEGE	)	
SYSTEM; et al.,	)	
	)	
Defendants.	)	

**ORDER**

This cause is before the court on Plaintiff Ward's Objections to Defendants' Exhibit List (Doc. #249).

Plaintiff Ward has objected to Defendants' Exhibits 43, 50, and 51.

Exhibit 43 consists of letters of recommendation of Michael Barrett. Ward contends that this exhibit contains inadmissible hearsay, and is not admissible as a business record.

The Defendants respond that the letters are not offered for the truth of the matter, but are offered to show the effect that knowledge of Michael Barrett's previous experience, leadership abilities, and level of expertise had on the decision maker.

The letters of recommendation, of course, do not show the effect of any knowledge on a decision maker. The Defendants may offer the letters for the limited purpose of demonstrating a basis for the decision maker's belief in Barrett's qualifications, but the proper foundation must be laid that the letters were in fact considered by the decision maker before the letters will be

admitted over the Plaintiff's hearsay objection.

The Defendants have agreed to withdraw Exhibits 50 and 51 (Doc. #313 at p.2).

Accordingly, the Plaintiff's Objection is SUSTAINED as to Exhibits 50 and 51 and  
OVERRULED, subject to the proper foundation being laid, as to Defendants' Exhibit 43.

Done this 25th day of October, 2011.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE